

REMARKS

In response to the outstanding Office Action dated March 16, 2009, applicant has carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

Claims 1 and 11 have been amended.

Claim 4 has been cancelled.

No new matter has been added to the application.

Claims 1-3 and 5-11 remain in the application for consideration by the Examiner.

As pointed out by the Examiner, Claim 4 is a duplicate of Claim 2. Claim 4 has been cancelled.

Claims 1-8 and 11 were rejected under 35 USC §102(b) as being anticipated by Thoms et al. (U.S. Pat. No. 5,377,520).

The Examiner's attention is respectfully directed to Claim 1, which recites:

Apparatus for forming an article from a blank of sheet metal wherein the blank has marginal edge portions, the apparatus comprising:

- a first die member having a cavity formed therein;
- means for producing a magnetic field disposed adjacent the cavity in said die member for selectively restraining movement of the marginal edge portions of the blank of sheet metal;
- a second die member mounted for reciprocal movement toward and away from the cavity formed in said first die member;
- means for imparting selective reciprocal movement of said second die member; and
- control means for selectively energizing said means for producing a magnetic field to selectively restrain movement of the marginal edge portions of the blank of sheet metal during the forming of the article.

Thoms et al. does not disclose "means for producing a magnetic field disposed adjacent the cavity in said die member for selectively restraining movement of the marginal edge portions of the blank of sheet metal" or "control means for selectively energizing said means for producing a magnetic field to selectively restrain movement of the marginal edge portions of the blank of sheet metal during the forming of the article". Thoms et al. discloses positioning a

preformed sheet bar (8) on a lower bearing face (5,5') and fixing the sheet bar thereto “until the closing of the drawing tool (1)”. (Column 4 Lines 38-47).

The apparatus of Thoms et al. “fixes” the preformed sheet bar (8) on the lower bearing face (5,5') employing adhesion elements such as hooks, suction cups or electromagnets. (Column 4 Lines 48-60). The term “fixes” is defined as “firmly in position; stationary”. (The American Heritage Dictionary of the English Language, Fourth Edition, Houghton Mifflin Company, 2003 (available at www.thefreedictionary.com)). Applicant’s apparatus “restrains” the movement of a blank of sheet metal (30). The term “restrains” is defined as “to hold back or keep in check; control; to limit or restrict”. (id.). Fixing is different from restraining. Fixing the preformed bar (8) of Thoms et al. means the preformed bar is held stationary by the adhesion elements. Restraining the movement of the blank sheet of metal (30) of the applicant means the blank sheet of metal is permitted to move in a limited and controlled manner. Paragraph 0026 of the application clearly describes that the blank of sheet metal (30) is restrained rather than fixed by the electromagnets (18). Paragraph 0026 recites “the electromagnets 18 and 20 ... are effective to control the movement of the [blank of sheet metal] 30 during the drawing of the [blank of sheet metal] to form a desired shape”. Thoms et al. does not disclose employing electromagnets to restrain the movement of a blank of sheet metal.

The apparatus of Thoms et al. does not disclose “means for producing a magnetic field” or “control means for selectively energizing said means for producing a magnetic field to selectively restrain movement of the marginal edge portions of the blank of sheet metal during the forming of the article”. Thoms et al. clearly describes that adhesion elements are employed to “fix” sheet bars (8) on the lower bearing face (5, 5') until the closing of the tool (1, 1'). (Column 4 Lines 38-47). The sheet bar (8) is “clamped in between the two bearing faces 4 and 5 during deep drawing”. (Column 4 Lines 1-6 and 23-24). Thoms et al. does not disclose employing a magnetic field “to selectively restrain movement of the marginal edge portions of the blank of sheet metal during the forming of the article”.

The Examiner stated that it is “inherent that the means for producing a magnetic field is controlled by a control means in order to activate and deactivate the magnetic field”. The control means is not inherent. The control means does not simply “activate and deactivate” the magnetic field produced by the electromagnets (18, 20). “The flux or magnetic field strength can be

selectively chosen by proper control of the [control means].” (Paragraph 0025, see also Paragraphs 0023-0026). Thoms et al. merely describes activating and deactivating the adhesion or retaining elements. (Column 6 Lines 16-20). Thoms et al. does not disclose varying magnetic field strengths during the metal forming operation of the associated die members. The control means to selectively produce a flux or magnetic field strength is neither inherent nor disclosed by Thoms et al.

In order to properly reject a claim under the provisions of 35 USC § 102(b), the Examiner must cite a reference showing all of the limitations of the rejected claim. Since the reference to Thoms et al. fails to disclose all the limitations of rejected Claim 1, the rejection under 35 USC § 102(b) must fail. Accordingly, it is submitted that Claim 1 is not anticipated under 35 USC §102(b) and the Examiner’s rejection should be withdrawn.

Since Claims 2-3 and 5-8 depend, directly or indirectly, from Claim 1 and contain all the limitations thereof, it is submitted that Claims 2-3 and 5-8 are allowable along with Claim 1.

Claim 11 contains at least all the limitations of Claim 1. Accordingly, it is submitted that Claim 1 is not anticipated under 35 USC §102(b) and the Examiner’s rejection should be withdrawn.

Claims 9 and 10 were rejected under 35 USC §103(a) as being unpatentable over Thoms et al. in view of Stuart (U.S. Pat. No. 5,212,977). As discussed above, Claim 1 is not anticipated by Thoms et al. Since Claims 9 and 10 depend indirectly from amended Claim 1 and contain all the limitations thereof, it is submitted that Claims 9 and 10 are allowable along with Claim 1.

The claims remaining in the application properly define Applicant’s invention and distinguish it from the prior art of record. Reconsideration of the application, as amended, is respectfully requested. Accordingly, a formal Notice of Allowance is solicited.

While the Applicant’s attorney has made a sincere effort to properly define Applicant’s invention and to distinguish the same from the prior art, should the Examiner deem that other language is preferable, Applicant’s attorney requests the courtesy of a telephonic interview.